

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

**HENRY G. FORT,**

**Plaintiff,**

**vs.**

**JO ANNE B. BARNHART,  
Commissioner of Social Security,**

**Defendant.**

**Case No. 1:05CV33 LMB**

**MEMORANDUM AND ORDER**

This is an action under 42 U.S.C. § 405(g) for judicial review of defendant's final decision denying Henry G. Fort's application for disability benefits under Title XVI of the Social Security Act. This case has been assigned to the undersigned United States Magistrate pursuant to the Civil Justice Reform Act and is being heard by consent of the parties. See 28 U.S.C. § 636(c). Currently pending is defendant's Motion to Reverse and Remand (Document Number 18). Plaintiff has filed a Response. (Doc. No. 19).

Defendant requests in her Motion to Reverse and Remand that the court remand the cause to the Commissioner, who will remand the case to an Administrative Law Judge (ALJ). The ALJ will be directed to obtain medical opinion evidence concerning the nature and severity of plaintiff's alleged mental impairments and to further evaluate the opinion evidence in the record. In addition, defendant states that the ALJ will be directed to provide a full articulation of the basis for plaintiff's residual functional capacity and to obtain supplemental vocational expert testimony if necessary. For these reasons, defendant requests that the court enter a judgment reversing the decision of the ALJ and remanding the matter back to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

Plaintiff, in his response (Doc. No. 19), states that he has no objection to the Motion to Reverse and Remand.

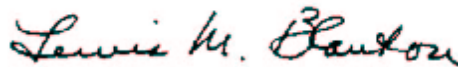
Sentence four of 42 U.S.C. § 405(g) provides that “[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” Upon review of defendant’s motion, the court finds that reversal and remand will ensure that the Commissioner complies with the governing law and regulations. For these reasons, reversal and remand is warranted in this case.

Accordingly,

**ORDER**

**IT IS HEREBY ORDERED** that the decision of the Commissioner be **reversed** and this cause be **remanded** to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g) for those reasons set forth in this memorandum and order. A separate written judgment will be entered in favor of the plaintiff and against the defendant.

Dated this 30th day of August, 2005.



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LEWIS M. BLANTON  
UNITED STATES MAGISTRATE JUDGE